

Article 3. Electric Code

4-301 STANDARD CODE INCORPORATED BY REFERENCE. That certain standard code known as the National Electrical Code, 2002 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269, and hereinafter referred to in this Article as the "Electric Code", is hereby incorporated by reference herein and made a part of this Article, save and except such portions as are hereinafter deleted by this Article. (K.S.A. 12-3009). (Ord. 2087, Sec. 3)

4-302 MARKED COPIES OF STANDARD CODE ON FILE. There shall be not less than three (3) copies of the Standard Code adopted by reference in Section 4-301 of this Article kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours. The filed copies of the Standard Code shall be marked or stamped "Official Copy" as incorporated by Ordinance No. 2087. (Ord. 2087, Sec. 3)

4-303 ADDITIONS TO THE ELECTRIC CODE. The following additions to the Electric Code, are hereby made:

- 303.1 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Existing Equipment: Electrical conductors and equipment lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued, if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health or property. The owner or his/her designated agent shall be responsible for adequate maintenance of electrical conductors and equipment.

(Ord. 2087, Sec. 3)

- 303.2 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Right of Entry: Upon presentation of proper credentials, the building official or his/her duly authorized representatives may enter any building, structure, or premises in the City at reasonable hours, to perform any duty imposed upon him/her by this Code.

(Ord. 2087, Sec. 3)

- 303.3 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Stop Orders: Whenever any work is being done contrary to the provisions of this Code, the building official shall notify in writing the persons engaged in the doing or causing such work to be done, of violations found, specifying a period of time allowed to bring the work into code conformance.

(Ord. 2087, Sec. 3)

- 303.4 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Authority to Condemn Equipment:

- (a) Whenever the building official learns or ascertains that any electrical conductor or equipment, as defined in this Code, has become hazardous to life, health, or property, he/she shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order.
- (b) The building official is authorized to seal off electrical current and/or fuel supply to equipment as defined in this Code where such installation is done without permit or does not meet the provisions of this Code. Where electric current or fuel supply has been sealed off, it shall be unlawful for any unauthorized person to break such seal. Upon corrections being made to meet requirements set forth in this Code the building official shall remove such seal.

(Ord. 2087, Sec. 3)

303.5 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Authority to Abate:

- (a) Any portion of an electrical system found by the building official to be unsafe as defined herein, is hereby declared to be a nuisance.
- (b) Where a nuisance exists or an electrical system is maintained in violation of this Code or any notice issued pursuant to this section the building official shall require the nuisance or violation to be abated and, where necessary, shall seek such abatement in the manner provided by Law.

(Ord. 2087, Sec. 3)

303.6 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Administrative Authority: The building official or authorized representatives shall be the authority duly appointed to enforce this Code.

- (a) Violations: It shall be unlawful for any person, firm or corporation to violate any of the provisions of this Code. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other Ordinance or from revoking any certificate of approval when issued in error. Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 120 days from date of issuance of such permit, or if the work

authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

- (b) Penalties: The violation of any provisions of this Code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Code and to seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful installation of electrical conductor and equipment or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.
- (c) Liability: The building official or any employee charged with the enforcement of this Code, acting in good faith without malice for the jurisdiction in the discharge of his/her duties, shall not thereby render himself liable personally and he/she hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reasons of any act or omission in the discharge of his/her duties. Any suit brought against the building official or his/her employees, because of such act or omission performed by him/her in the enforcement of any provisions of this Code, shall be defended by the Law Department of the City until final termination of the proceeding.

(Ord. 2087, Sec. 3)

303.7 Section 90-4 is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Permit Required:

- (a) No installation, alteration or removal shall be made to the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices, nor shall alterations be made thereto, without a written permit therefore being first obtained from the City license issuing clerk by the person having direct charge of such installation.

- (b) The building official may, in writing, suspend or revoke a permit issued under provisions of this Code, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any Ordinance or regulation of any provisions of this Code.
- (c) **Cost of Permit:** Every applicant for permit to do work regulated by this Code shall state in writing, on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto, as may be required. Such applicant shall pay for each permit, at the time of issuance, a fee in accordance with the following schedule, and at the rate provided herein. Any person who shall commence any work for which a permit is required by this Code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the building official that such work was urgently necessary and that it was not practical to obtain a permit therefore before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged. For the purpose of this section the fee for each electrical permit shall be Twenty Dollars (\$20.00) for (residential and general) and Forty Dollars (\$40.00) for (commercial) plus all applicable fees. The project valuation shall also be used to calculate electric permit fees.
- (d) **Inspections:** All work shall be subject to inspection by Community Development personnel. Any portion of equipment which will be concealed prior to completion shall be subject to inspection prior to such work being concealed.
- (e) **Board of Appeals:** The same board as appointed to act as a Board of Appeals for the building code shall act as Board of Appeals for the electric code in making determinations of any appeal arising from the actions of the building official. Procedures followed shall be the same as outlined for the Building Code Appeals.

(Ord. 2087, Sec. 3)

4-304 AMENDMENTS TO THE STANDARD CODE. The following amendments to the Electric Code are hereby made.

304.1 Section 310-1 is hereby amended to read as follows:

This Article covers general requirements for conductors and their type designations, insulation's, markings, mechanical strengths, ampacities ratings, and uses. These requirements do not apply to conductors that form an integral part of equipment, such as motors, motor controllers, and similar equipment, or to conductors specifically provided for elsewhere in this Code.

(FPN): For flexible cords and cables, see Article 400. For fixture wires, see Article 402.

The use of non-metallic sheathed cable with aluminum or copper clad aluminum conductors, size 8 or smaller, will not be permitted for branch circuit wiring in construction, alteration or repair. This shall apply to branch circuits from distribution point.

(Ord. 2087, Sec. 3)

304.2 Section 300-5 Underground Installations: is hereby amended to add the following paragraph to the existing paragraph:

The service feeding any structure must be installed to meet the City of Gardner's service specifications on service installation written by the City. All Mobile Homes electric service entrance wiring shall be copper, no aluminum. The copper shall be sized in accordance with this code.

(Ord. 2087, Sec. 3)

4-305 FIRES. The City Administrator, building official, or fire officer in charge, shall have the power to cause the immediate removal of all wires or the turning off of all electricity where the same may interfere with the work of the Fire Department during the progress of a fire. Restoration of electrical service, including the resetting of any removed electrical meter, shall not be completed until the premises and electrical wiring are inspected and approved by the building official. (Ord. 2087, Sec. 3)

4-306 LIABILITY. Nothing in this Article shall in any way relieve any person, firm, or corporation doing electrical work from responsibility for materials he/she or it furnishes or installs, or impair in any way their liability for failure to use due care in protecting life and property in the subsequent use of electrical installations made by them. Nor shall the City be held as assuming any liability by reason of any inspection authorized herein or license issued. (Ord. 2087, Sec. 3)

4-307 INVALIDITY IN PART. Should any section, subsection, paragraph, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part to be declared unconstitutional. (Ord. 2087, Sec. 3)

4-308 CONFLICTING ORDINANCES. Where this Ordinance conflicts with any other local, State or Federal Ordinance or regulation the most restrictive Ordinance or regulation shall apply. (Ord. 2087, Sec. 3)